

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: December 20, 2012

Agenda Item: Fishing Access Site Annual Rule

Division: Fish and Wildlife

Action Needed: Approval of Proposed (Tentative) Rule

Time Needed on Agenda for this Presentation: 15 minutes

Background

FWP is proposing a Fishing Access Site (FAS) Annual Rule for FWP fishing access sites. The rule is necessary now that fishing access sites are the responsibility of the FWP Fish and Wildlife Division and are no longer under the purview of Montana State Parks and its Parks Biennial Fee Rule. The proposed new FAS Rule primarily consists of rule language that used to reside in the Parks Biennial Fee Rule and has been transferred to the new rule verbatim. This includes rules pertaining to:

- Fees (camping, group use permits, facility rentals, special recreation permits)
- Stipulations on camping at fishing access sites
- Group Use Permit requirements (groups of more than 30 people)
- Special Recreation Permit requirements (permit system in place on the Blackfoot and Madison rivers for commercial use, competitive events, organized group activities)

The proposed FAS Rule also includes new language:

- Definition of a fishing access site
- Description of FAS funding sources
- Change from “Special Use Permit” to “Group Use Permit”
- Authority allowing FWP to require bear resistant food storage at fishing access sites

The new rule does not propose any increase in fees at FASs, with one exception. The minimum Special Recreation Permit fee has been increased from \$95 to \$100 to be consistent with the Bureau of Land Management, which is the co-managing agency for the permit system on the Blackfoot and Madison rivers.

Public Involvement Process & Results

Upon approval of the proposed rule by the Commission, FWP will announce and conduct a public comment period. This will be advertised through a statewide and regional press release.

Alternatives & Analysis

The Parks Biennial Fee Rule no longer pertains to fishing access sites and therefore it is necessary for the Commission to adopt a new rule for fishing access sites. The Commission could choose to make amendment to the proposed rule before seeking public comment.

Agency Recommendation & Rationale

The Department recommends that the Commission adopt the proposed FAS Annual Rule as *tentative* and instruct the Department to initiate a public comment period and report back to the Commission with its findings and recommendation for a final rule.

Proposed Motion

“I move that the FWP Commission approve the Department’s request to begin soliciting public comments on the proposed Fishing Access Site Annual Rule and report back with its findings and a final recommendation.”